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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Michael J. Sullivan

FOR

IMPROVED MULTI-LAYER

GOLF BALL

SERIAL NO.

09/121,628

FILED

July 23, 1998

EXAMINER

ART UNIT

M. Graham (of the parent)

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3304 (of the parent) **RECEIVED**

LAST OFFICE ACTION

N/A

OCT - 6 1998

ATTORNEY DOCKET NO.

SLD 2 035-1-1-1

TECHNOLOGY CENTER 3700

Cleveland, Ohio 44114 September 28, 1998

Supplemental Communication

Assistant Commissioner of Patents Washington, D.C. 20231

Dear Sir:

This communication is presented to provide additional evidence of the nonobvioussness of the claimed subject matter. The commercial embodiment of the present invention is the Top-Flite® Strata ™ golf ball. Spalding, Top-Flite's parent company, has experienced incredible success in terms of sales, praise within the industry, and wide-spread adoption throughout the golf industry and related fields of its Strata™balls.

CERTIFICATE OF MAILING

I hereby certify that this <u>Supplemental Communication</u> is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 1998.

By: ///Auf UMA //Med Mary Ann Temesvari Applicant previously presented evidence of the outstanding commercial success of the Top-Flite® Strata™ golf ball in a Preliminary Amendment filed on July 23, 1998, concurrently with the filing of this application.

This Supplemental Communication is submitted to present additional information obtained since the filing of this application and Preliminary Amendment, pertaining to the commercial success of the present invention.

Exhibit 1 notes that the Strata[™] ball is the number one multi-layer ball on tour. The significant advantage and increase in tour rankings by utilizing the Strata[™]ball is also illustrated.

Exhibits 2-4 announce the winner of the 62nd Masters and the 1998 British Open, Mark O'Meara utilizing the Strata™ ball.

Exhibits 5 and 6 illustrate the remarkable commercial success and adoption in the industry of the Strata™ ball.

Respectfully submitted,

FAY, SHARPE, BEALL, FAGAN, MINNICH & McKee

Richard M. Klein Reg. No. 33,000

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(216) 861-5582

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ALL-STATE* LEGAL 800-222-0510 ED11 RECYCLED

STRATA: THE #1 MULTI-LAYER BALL ON TOUR.



Soft ZS Balata

In April 1996, Mark O'Meara switched from a wound ball and became the first PGA Tour Professional to play our new multi-layer

Strata. Later that month, he used it to win the Greater Greensboro Open. In May, D.A. Weibring also switched to the Strata and, he promptly won the Greater Hartford Open. Like anything else on Tour that performs this well, the ball caught on. Today, over 150 touring professionals

representing every Tour worldwide make the Top-Flite Strata their ball of choice.

The Strata's breakthrough multi-layer



construction continues to redefine performance for top pros. Its firm inner layer produces long distance off the tee, while its super soft ZS Balata" cover and patented high energy core combine

> to produce unequaled spin and control around the green. What you get is a ball that performs from tee to green. One that helped Jim Furyk post 11 top-ten finishes during the 1997 season.

Of course, we've adapted the multi-layer technology to perform well for the low handicap player as well. The Strata Advance uses the same multi-layer Strata Tour construction. But it features a Hyper-Elastic inner layer for additional distance off woods and long irons

while the soft, cut-proof Z-Balata cover and high energy core deliver fantastic feel and spin on short irons around the green.

So, whether it's the Strata Tour for unmatched control or the

TOUR RANKINGS

Tour Player	Before Strata	
Mark O'Meara	20	8
Jim Furyk	48	20
Paul Stankowski	55	26
Bill Glasson	52	39
David Ogrin	103	59

Strata Advance for additional distance, why not buy a sleeve from your pro shop and test them against your regular ball? After all, the Strata's breakthrough multi-layer technology has worked for the top pros. We're confident it will help to improve your game as well.



<u>in only eighteen</u> months, 150 tour professionals world to the Strata Tour. place finishes and

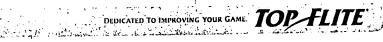


Jim Furyk. 11 TOP-TEN FINISHES, RYDER CUP TEAM MEMBER 1997





Paul Stankowski



ALL-STATE* LEGAL 800-222-0510 ED11 RECYCLED

MEET THE NEW MASTERS CHAMPIONS: MARK O'MEARA AND TOP-FLITE STRATA.



Soft ZS Balata™ cover for maximum spin control

Firm inner layer for distance

Soft, high energy core for Tour feel



CONGRATULATIONS MARK O'MEARA, THE 62ND MASTERS CHAMPION

Top-Flite and Etonic congratulates Mark O'Meara for winning his first green jacket and his first major tournament as a professional.



SPALDING.

TOP-FLITE



ALL-STATE® LEGAL 800-222-0610 ED11 RECYCLED

PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



1998 BRITISH OPEN CHAMPION

1998 MAJOR WINS

TOP-FLITE	2
Bridgestone	1
Maxfli	0
Titleist	0

Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



IN GOLF FOR OVER 100 YEARS. SPALDING.

PLAY THE BALL THAT WON THE MASTERS AND THE BRITISH OPEN: TOP-FLITE.



MARK O'MEARA 1998 MASTERS CHAMPION 1998 BRITISH OPEN CHAMPION

1998 MAJOR WINS

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Congratulations to Mark O'Meara on winning his second Major tournament of the year, adding the British Open's Claret Jug to his Master's Green Jacket. Mark plays the Top-Flite Strata, the new #1 ball in golf's Major Championships.



A TRADITION IN GOLF FOR OVER 100 YEARS. SPALDING

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ATE* LEGAL 800-222-0510 ED11 REC

PLAYERS HAVE SWITCHED TO THE TOP-FLITE IN EIGHTEEN MONTHS OVER 250 TOUR TO JOIN THEM? STRATA. CARE













CRAIG STADLER















BRUCE CRAMPTON

BRANDIE BURTON

IAY DON BLAKE

DAVID OGRIN

ANDREW MAGEE

CASEY MARTIN





Since 1996, over 250 Tour professionals worldwide have switched to the Strata Tour. With outstanding results. 28 first

finishes and hundreds more in the Top Ten. Small wonder it's caught on. The Strata's breakthrough multi-layer

DEDICATED TO IMPROVING YOUR GAME, TOP FLITE

construction utilizes a firm inner layer that plays long off the tee, while its super-soft ZS Balata" cover and patented high energy core combine for unequaled spin and control around the green. It's improved their game; without a doubt, it'll h. elp yours.

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ALL-STATE® LEGAL 800-222-0510 ED11 RECYCLED

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